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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,421	10/31/2001	Eugene Khor	6565-61577/RJP	9699

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EXAMINER
VARGOT, MATHIEU D

ART UNIT	PAPER NUMBER
1732	5

DATE MAILED: 07/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/000,421	Applicant(s) ICHOR et al.
	Examiner M. VARGOT	Group Art Unit 1732

—The MAILING DATE of this communication appears on th cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☒ Responsive to communication(s) filed on 6/12/03.

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1-46 is/are pending in the application.

Of the above claim(s) 38 & 41-46 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-37, 39 & 40 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Pri rity under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____.

☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____.

Atta hment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Int rview Summary, PTO-413

☒ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Revi w, PTO-948

☐ Other _____

Office Action Summary

1. Applicant's election with traverse of Group I, claims 1-29, 37, 39 and 40 in Paper No. 4 is acknowledged. The traversal is on the ground(s) that the inventions should be examined in the same application. This is persuasive with respect to claims 30-36, which cover the method of making the absorbent matrix, since such would be required subject matter in searching for claim 40. However, this is not found persuasive for the article claims 38, 41-44, 45 and 46 because these can be made by methods other than the instant as generally set forth in the restriction. An action on claims 1-37, 39 and 40 hereby follows.

The requirement is still deemed proper and is therefore made FINAL.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Khor et al (see col. 3, lines 10-65).

The applied reference discloses the instant process of preparing a chitin film by coagulating a chitin solution to form a gel (col. 3, line 15), the chitin having been dissolved in a solvent (col. 3,

lines 10-11), pressing the chitin gel to form a film **and** removing residual solvent under press (col. 3, lines 46-51, the pressing being done by the weighted glass plate) and washing the chitin film (col. 3, line 62).

3. Claims 30 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Schoenfeldt et al (see column 4, lines 7-19 and 54-67; column 5, line 60).

The applied reference discloses the instant process wherein two polymeric solutions ("chitin/chitosan or derivatives thereof"; col. 5, line 60) are mixed together and crosslink to form a gel matrix precursor, the solvent subsequently removed (ie, isolated) and the matrix precursor dried to yield the absorbent matrix.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khor et al.

Khor et al discloses the basic claimed process of making a chitin film as noted in paragraph 2, supra, the reference essentially lacking clear disclosures of particulars of the process such as exact concentration of chitin in the solution, the exact conditions under which the coagulation occurs, calendering of the film and the use of a mold with uneven bottom for the casting. It is submitted that each of theses aspects would have been well within the skill level of the art. Certainly, the concentration of chitin in solution would have been obvious dependent on the thickness of the

resultant film. Khor et al (col. 3, lines 17-24) discloses coagulating by evaporation of the solvent in a "controlled environment chamber", and this would have rendered the exact coagulation parameters such as temperature and humidity as result effective variables readily determined through routine experimentation. Calendering the film would have been an obvious expedient in lieu of pressing under glass plates and lining the plates with filter (cellulose) paper would likewise have been obvious to facilitate removal of the solvent. Employing a mold with an uneven surface would have been obvious to make a chitin film with increased wettability as a bandage.

5. Claims 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoenfeldt et al.

Schoenfeldt et al is applied for reasons of record as set forth in paragraph 3, supra, the reference disclosing the basic claimed method of making an absorbent matrix lacking essentially the exact concentration of the chitin and CM-chitin, isolation by filtration and freeze drying conditions. As noted supra, the exact concentrations would have been obvious dependent on the thickness for the final matrix. The applied reference isolates the matrix precursor by freezing and filtration is a generally well known equivalent to freezing to remove a solvent. The exact freeze drying conditions would have been obvious over Schoenfeldt et al --see column 8, line 47.

6. Claims 37, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khor et al in view of Schoenfeldt et al generally for reasons of record as set forth in paragraphs 2 and 3, supra. The instant method of making a chitin film and method of making a chitin/CM-chitin absorbent matrix are each known, respectively, from the applied references. One of

ordinary skill in the art, desiring a bandage with increased absorption, would have found it obvious to have made an absorbent chitin matrix as taught in Schoenfeldt et al and employed same in the general method as taught by Khor et al.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Vargot whose telephone number is 703 308-2621.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0661.

M. Vargot

July 10, 2003

M. Vargot

MATHIEU D. VARGOT
PRIMARY EXAMINER
GROUP 1300

7/10/03